

may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(b) Powers of Ranking Minority Member—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(c) Compensation—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(d) Reimbursement of Expenses—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(e) Payment of Expenses—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 6. None of the unobligated or unexpended funds available for public affairs activities within the Office of the Secretary of Defense under the heading "Operation and Maintenance, Defense-Wide" may be obligated or expanded until the requirements to transmit reports under section 9010 and 9012 of P.L. 108-287 are met.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 196, not voting 13, as follows:

[Roll No. 159]

YEAS—224

Aderholt	Gilchrest	Nussle
Akin	Gillmor	Osborne
Alexander	Gingrey	Otter
Bachus	Gohmert	Oxley
Baker	Goode	Paul
Barrett (SC)	Goodlatte	Pearce
Bartlett (MD)	Granger	Pence
Barton (TX)	Graves	Peterson (PA)
Bass	Green (WI)	Petri
Beauprez	Gutknecht	Pickering
Biggert	Hall	Pitts
Bilirakis	Harris	Poe
Bishop (UT)	Hart	Pombo
Blackburn	Hastings (WA)	Porter
Blunt	Hayes	Price (GA)
Boehlert	Hayworth	Pryce (OH)
Boehner	Hefley	Putnam
Bonilla	Hensarling	Radanovich
Bonner	Herger	Ramstad
Bono	Hobson	Regula
Boozman	Hoekstra	Rehberg
Boustany	Hostettler	Reichert
Bradley (NH)	Hulshof	Renzi
Brady (TX)	Hunter	Reynolds
Brown (SC)	Inglis (SC)	Rogers (AL)
Brown-Waite,	Issa	Rogers (KY)
Ginny	Jenkins	Rogers (MI)
Burgess	Jindal	Rohrabacher
Burton (IN)	Johnson (CT)	Ros-Lehtinen
Buyer	Johnson (IL)	Royce
Calvert	Johnson, Sam	Ryan (WI)
Camp	Jones (NC)	Ryun (KS)
Cannon	Keller	Saxton
Cantor	Kelly	Schwarz (MI)
Capito	Kennedy (MN)	Sensenbrenner
Carter	King (IA)	Sessions
Castle	King (NY)	Shadegg
Chabot	Kingston	Shaw
Chocola	Kirk	Shays
Coble	Kline	Sherwood
Cole (OK)	Knollenberg	Shimkus
Conaway	Kolbe	Shuster
Cox	Kuhl (NY)	Simmons
Crenshaw	LaHood	Simpson
Cubin	Latham	Smith (NJ)
Culberson	LaTourette	Smith (TX)
Cunningham	Lewis (CA)	Sodrel
Davis (KY)	Lewis (KY)	Souder
Davis, Jo Ann	Linder	Stearns
Davis, Tom	LoBiondo	Sullivan
Deal (GA)	Lucas	Sweeney
DeLay	Lungren, Daniel	Tancred
Dent	E.	Taylor (NC)
Doolittle	Mack	Terry
Drake	Manzullo	Thomas
Dreier	Marchant	Thornberry
Duncan	McCaul (TX)	Tiahrt
Ehlers	McCotter	Tiberi
Emerson	McCrery	Turner
English (PA)	McHenry	Upton
Everett	McHugh	Walden (OR)
Feeney	McKeon	Walsh
Ferguson	McMorris	Wamp
Fitzpatrick (PA)	Mica	Weldon (FL)
Flake	Miller (FL)	Weldon (PA)
Foley	Miller (MI)	Weller
Forbes	Miller, Gary	Westmoreland
Fortenberry	Moran (KS)	Whitfield
Fossella	Murphy	Wicker
Fox	Musgrave	Wilson (NM)
Franks (AZ)	Myrick	Wilson (SC)
Frelinghuysen	Neugebauer	Wolf
Galleghy	Ney	Young (AK)
Garrett (NJ)	Northup	Young (FL)
Gerlach	Norwood	
Gibbons	Nunes	

NAYS—196

Abercrombie	Boucher	Cramer
Ackerman	Boyd	Crowley
Allen	Brady (PA)	Cuellar
Andrews	Brown, Corrine	Cummings
Baca	Butterfield	Davis (AL)
Baird	Capuano	Davis (CA)
Baldwin	Cardin	Davis (FL)
Barrow	Cardoza	Davis (IL)
Bean	Carnahan	Davis (TN)
Becerra	Carson	DeFazio
Berkley	Case	DeGette
Berman	Chandler	Delahunt
Berry	Cleaver	DeLauro
Bishop (GA)	Clyburn	Dicks
Bishop (NY)	Conyers	Dingell
Blumenauer	Cooper	Doggett
Boren	Costa	Doyle
Boswell	Costello	Edwards

Emanuel	Lynch	Roybal-Allard
Engel	Maloney	Ruppersberger
Eshoo	Markley	Rush
Etheridge	Marshall	Ryan (OH)
Evans	Matheson	Sabo
Farr	Matsui	Salazar
Fattah	McCarthy	Sanchez, Linda
Filner	McCollum (MN)	T.
Ford	McDermott	Sanchez, Loretta
Frank (MA)	McGovern	Sanders
Gonzalez	McIntyre	Schakowsky
Green, Al	McKinney	Schiff
Green, Gene	McNulty	Schwartz (PA)
Grijalva	Meehan	Scott (GA)
Gutierrez	Meek (FL)	Scott (VA)
Harman	Meeks (NY)	Serrano
Hastings (FL)	Melancon	Sherman
Herseth	Menendez	Skelton
Higgins	Michaud	Slaughter
Hinchey	Millender-	Smith (WA)
Hinojosa	McDonald	Snyder
Holden	Miller (NC)	Spratt
Holt	Miller, George	Stark
Honda	Mollohan	Strickland
Hooley	Moore (KS)	Stupak
Hoyer	Moore (WI)	Tanner
Inlee	Moran (VA)	Tauscher
Israel	Murtha	Taylor (MS)
Jackson (IL)	Nadler	Thompson (CA)
Jackson-Lee	Napolitano	Thompson (MS)
(TX)	Neal (MA)	Tierney
Jefferson	Oberstar	Towns
Johnson, E. B.	Obey	Udall (CO)
Kanjorski	Olver	Udall (NM)
Kennedy (RI)	Ortiz	Van Hollen
Kildee	Owens	Velázquez
Kilpatrick (MI)	Pallone	Vislosky
Kind	Pascarell	Wasserman
Kucinich	Pastor	Schultz
Langevin	Payne	Waters
Lantos	Pelosi	Watson
Larsen (WA)	Peterson (MN)	Watt
Leach	Pomeroy	Waxman
Lee	Price (NC)	Weiner
Levin	Rahall	Wexler
Lewis (GA)	Rangel	Woolsey
Lipinski	Reyes	Wu
Lofgren, Zoe	Ross	Wynn
Lowey	Rothman	

NOT VOTING—13

Brown (OH)	Gordon	Larson (CT)
Capps	Hyde	Platts
Clay	Istook	Solis
Diaz-Balart, L.	Jones (OH)	
Diaz-Balart, M.	Kaptur	

□ 1157

Messrs. WYNN, HOYER and PALLONE changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1200

PERSONAL PRIVILEGE

Mr. NADLER. Mr. Speaker, I seek recognition on a question of personal privilege pursuant to rule IX of the rules of the House. I have placed at the desk the documentation on which this question is based.

The SPEAKER pro tempore (Mr. LATOURETTE). On the basis of House Report 109-51 and certain media coverage thereof, the gentleman may rise to a question of personal privilege under rule IX.

The gentleman from New York (Mr. NADLER) is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

Have the corrections or the supplemental report to the committee report been filed yet?

The SPEAKER pro tempore. The supplemental report authorized by section 2 of House Resolution 258 has been filed.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the basis of my question of personal privilege concerns the manner in which amendments I offered during the Committee on the Judiciary's consideration of H.R. 748 on April 13, 2005, were characterized in the committee's report on that legislation, House Report 109-51.

Specifically, the report, in the section required under clause 3(b) of rule XIII of the rules of the House reporting the votes of the committee described my amendments in a manner that denigrated my "rights, reputation, and conduct . . . in [my] representative capacity . . ." within the meaning of clause 1 of rule IX.

The language in question appears on pages 45 and 46 of the committee report, and it mischaracterizes my amendments in a manner that does not reflect the actual content of the amendments nor the actual intent of those amendments. In fact, it uses legislation to describe my legislative actions that is pejorative and inflammatory and that is highly damaging to my reputation.

It is with great sadness and regret that I come to the floor today. I have never previously in my 12 years as a Member of this House, nor in my quarter century representing the people of New York, had the need to rise on a personal privilege. I have never had my reputation, or my legislative efforts, so terribly maligned in an official record of any legislative body in which I have served.

It is my hope that this is the last time I will ever need to claim the floor in a question of personal privilege. I would observe that the filing a few minutes ago of the supplemental report to the Committee on the Judiciary report is a tacit acknowledgment of the inaccuracy and untruthfulness of the original report and its reputation in the public domain, and renders much of what was said in its defense in the Committee on Rules and on the floor, as the saying goes, "inoperative."

I commend the chairman for correcting the record and hope that with this correction of the slanderous report language, this unfortunate chapter can be brought to a close.

While I would have hoped that this correction would have been accompanied by an apology and by an acknowledgment that this report was a violation of the tradition and norms of the House, that is, perhaps, in the regrettably poisonous atmosphere of the present day, unobtainable. I regret that things have reached such an unfortunate state.

This situation is especially sad because it involves the Committee on the

Judiciary's official report on this bill, which contained false and misleading, indeed libelous, descriptions of the amendments I and my colleagues offered in committee in good faith, and with the intent of protecting children and families in terrible situations.

Those characterizations came in the section of the report, required by the rules, that simply requires an accurate report of all recorded votes.

There are many places in committee reports where commentary is appropriate. Both the majority and the minority have the opportunity in the report to make their cases, and very much to the credit of the gentleman from Wisconsin (Chairman SENSENBRENNER) the Committee on the Judiciary reports also contain a transcript of the markup.

What has never been done, and I am not aware of the majority on any committee having so abused its power, is to distort the content of the amendments in the section reserved for reporting votes.

Every Member of this House sits on committees; every Member knows what a report looks like, and every Member of this House knows this was an aberration and that it was wrong.

I do not believe it is necessary to repeat the report language that gave rise to this point of personal privilege. The Chair has the offending language, and it has been plastered all over the RECORD, the press, and Web logs. I feel no need to repeat it. Enough damage has already been done.

To place this report, and the slanderous language it used in context, the last time the Committee on the Judiciary reported a version of the same bill, the report said: "An amendment was offered by Mr. NADLER prohibiting H.R. 476 from applying 'with respect to conduct by a grandparent or adult sibling of the minor.'" Same amendment, same committee, different year.

Earlier versions of this bill have been reported by the Committee on the Judiciary on three prior occasions, going to 1998. In no case have any of my amendments been described in the inaccurate and pejorative fashion they were in this year's committee report.

The Committee on Rules described the same amendment in the following manner when it reported it to the floor: "Adds to the exceptions to the offense of transporting minors for the purpose of obtaining an illegal abortion grandparents of the minor and members of the clergy."

Even the Republican Study Committee, the voice of some of the most conservative of our colleagues, described the amendment this way: "The amendment allows a grandparent of the minor or a clergy person to bring pregnant minors across State lines for abortions." These are factual descriptions of the amendment. They are non-argumentative factual descriptions as the rules call for.

In fact, neither the bill itself nor the amendments contained the offensive

terms used in the committee report to describe my amendments. No member of the committee described my amendments in this libelous manner at any time during the debate. Nobody in the majority, none of the Republicans in opposing my amendments in committee debate said that they contained the material which the committee report libelously says they do. As the transcript clearly shows, the transcript contained in the committee's report appearing on page 58 to 120 will clearly show.

It is regrettable that even in filing the supplemental report, the majority felt the need to restate the slander, but this time in the section reserved for majority views. The majority, however, is entitled to its views, even if they are not factually based; and the appropriate place to express them is in debate and in documents reserved for expressing their views, such as the majority view section of the committee report.

The minority has a similar right in debate and in its dissenting views, and I would not expect the majority to tell us what views we should have or how to express them.

Not abusing the power the majority has over the contents and the filing of the report, which the minority does not get to see until it is filed, is really based on nothing more than the honor system. Unfortunately, in this system, the honor system failed.

This abuse of power of mischaracterizing and slandering the amendments and the Members who offered them in the section of the report reserved for simply reporting amendments and the votes thereon, could not be allowed to stand or there would have been no end to it.

This is not about party, nor is it about a bill, nor about an amendment, nor even about the underlying issue. It is about the "rights, reputation and conduct of Members, delegates or the resident commissioner, individually, in their representative capacity only."

When the majority abuses its power to attack the reputation of Member or Members, as it did in this case, the House must act to correct the injustice. The supplemental report filed by the majority is an important step in that direction, and I thank the chairman for agreeing to file the correction.

We have strayed far from the customary comity and fair play to which this House has long adhered. That is no way to represent our views to the voters of this country. The voters have every right to expect us to fight for our beliefs, to represent them vigorously, and to speak out in clear terms on the important issues of the day.

But, Mr. Speaker, there are limits. When Members of this House transgress those limits, we fail the people who sent us here and we fail the institution in which we are honored to serve. We are elected to 2-year terms. The office does not belong to us, but to the people. We are mere custodians of

the office. I hope that, in our conduct, we can prove ourselves good and responsible stewards of this public trust.

It is my sincere hope that now that the correction has been filed and the slander abated, this will be the last time any Member has the unpleasant duty of rising in this House to defend his or her reputation and the traditions of this institution. I hope that this single aberration will be remembered as just that: a single aberration.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SCOTT of Virginia. Mr. Speaker, I include for the RECORD an editorial published this morning in the daily newspaper in Norfolk, Virginia, the *Virginian Pilot*, on this issue.

[From the *Virginian Pilot*, May 5, 2005]

A HOUSE DIVIDED AGAINST ITSELF

The mood in certain precincts of Congress has become so poisonous that people aren't speaking our common language unless they're accusing political opponents of unspeakable crimes.

The "Child Interstate Abortion Notification Act" would make it a federal offense to take a minor across a state line to get an abortion without the consent of her parents, for a physician to perform such abortions, and allows parents to sue anybody who does.

Democrats on the Judiciary Committee offered several amendments that would have limited the law's scope. U.S. Rep. Bobby Scott, for example, sought to insert this line: "The prohibitions of this section do not apply with respect to conduct by taxicab drivers, bus drivers or others in the business of professional transport."

Pretty straightforward, right?

Should the U.S. government prosecute a bus driver because a girl in one of its seats is traveling to end a pregnancy? No matter your answer to that question, the congressman's wording is pretty clear, unless you're a member of the Judiciary Committee's staff, which managed Scott's amendment into this:

"Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they're taxicab drivers, bus drivers or others in the business of professional transport."

In other words, the staff of a committee on which Scott serves accused him of trying to protect sexual predators, arguably a crime in itself.

It is the kind of libel—repeated against two other Democratic members of the committee—that only nameless, faceless bureaucrat would dare make. But, significantly, it's also the kind of power-made mischief that the Republican leadership felt deserved defense.

The Congress Tuesday evening spent an hour debating a resolution to require Republicans to change the descriptions, which are supposed to be, and ordinarily are, written in dry, neutral language.

That debate was itself illustrative of how deep the divisions in Congress have become. While the Democrats—including Scott and Minority Leader Nancy Pelosi—talked about

how Republicans abused the truth to score political points, the majority changed the subject entirely and re-argued the merits of the abortion bill, which passed the week before.

"The issue is whether we can trust each other to deal with each other fairly," said Wisconsin Democrat Rep. David Obey, who had voted for the abortion bill.

In the end, Tuesday's debate was a rancorous parry and feint, lasted an eternity and came to absolutely nothing. The resolution to change the descriptions, of course, failed on a party-line vote.

Still, for 60 minutes, the rudeness that now rules the hall of the Capitol was on sharp display for all America to see.

"The rewrite says more about the person who wrote it, and those who defend it, than it does about the amendment itself," Scott said Tuesday.

Scott's right. What it says is nothing kind, and not to be forgotten.

Mr. NADLER. Mr. Speaker, not seeing the gentlewoman from Texas (Ms. JACKSON-LEE), I thank the chairman of the Committee on the Judiciary for filing the corrected report, and I yield back the balance of my time.

□ 1215

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report to accompany the bill, H.R. 1268, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 258, I call up the conference report on the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 3, 2005 at page H2813.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to bring to the House for its consideration the conference report on H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief.

The conference agreement includes a total of \$82 billion. The vast majority of these funds are to support our troops in Iraq and Afghanistan. For that reason, it is critical that we move this package quickly. It also provides needed assistance to the victims of the tsunami.

During our conference with the Senate, Chairman COCHRAN and I agreed that the final agreement should come in at or below the President's request and relatively free of extraneous items. The conference report before you has met both of these very critical parameters. We did our very best to keep the package clean, and by and large, we were successful with that. We have funded our foreign policy priorities while still preserving congressional prerogatives where appropriate.

With that said, the conference report provides a total of \$75.9 billion for defense-related expenditures, roughly \$921 million over the President's request. The additions over the request are for force protection, and increasing the survivability of troops in the field. In addition to the defense-related spending, the conference report provides a reduction of \$1.5 billion in foreign assistance from the President's request. The conference agreement also includes \$635 million for increased border security enforcement. This includes 500 additional border patrol agents and increased detention space.

We have also included \$656 million for tsunami disaster relief. Finally, the bill includes much of the REAL ID Act of 2005, which was included in the House-passed version of the bill. The provisions on asylum, border infrastructure, and driver's license standards are included. Each of these provisions will greatly enhance the security of our borders. All of these provisions reflect agreements negotiated by relevant authorizing committees. I especially want to thank Chairman SENBRENNER, Chairman DAVIS and their staffs for getting this measure before the Congress in a timely fashion.

I urge my colleagues to support this much needed support for our troops.